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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MINERVA MARTINEZ, SANDRA  
SCOTT, CARL GRAHAM, ANNE  
PARYS, DAVID ORTIZ, SEAN  
CHAMBERS and TIFFANY JAMES,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

NISSAN NORTH AMERICA, INC., and  
NISSAN MOTOR CO., LTD.

Defendants.

Case No. 3:22-cv-00354

CLASS ACTION

**DECLARATION OF LANA COOPER RE:  
NOTICE PROCEDURES**

1 I, LANA COOPER, declare and state as follows:

2  
3 1. I am a Vice President with KCC Class Action Services, LLC (“KCC”), located in  
4 San Rafael, California. Pursuant to the Preliminary Approval Order of Class Action Settlement (the  
5 “Preliminary Approval Order”), dated August 17, 2022, the Court appointed KCC as the Claims  
6 Administrator in connection with the proposed Settlement of the above-captioned Action.<sup>1</sup> I have  
7 personal knowledge of the matters stated herein and, if called upon, could and would testify thereto.

8 **CAFA NOTIFICATION**

9 2. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. Section  
10 1715, and pursuant to Paragraph 68 of the Settlement Agreement, KCC compiled a CD-ROM  
11 containing the following documents: Class Action Complaint, Nissan North America's Answer to  
12 Class Action Complaint, Notice of Motion for Preliminary Approval of Class Action Settlement  
13 with Nissan North America, Memo In Support of Motion, Weiner Declaration and Exhibits,  
14 Settlement Agreement, Expedited Resolution Process, Claim Form, Long Form Notice, Summary  
15 Notice, Proposed Preliminary Approval Order, Proposed Final Approval Order, Declarations of  
16 Cisneros, Deutsch, Bennett, and Zohdy (4), Peak Declaration (Notice Plan), and the Order  
17 transferring the Action (Case Transferred to Judge Eli Richardson), which accompanied a cover  
18 letter (collectively, the “CAFA Notice Packet”). A copy of the cover letter is presented as Exhibit  
19 A.

20 3. On August 10, 2022, KCC caused 58 CAFA Notice Packets to be mailed via Priority  
21 Mail from the U.S. Post Office in Memphis, Tennessee to the parties listed in Exhibit B (i.e., the  
22 U.S. Attorney General, the Attorneys General of individual states and the District of Columbia, and  
23 the five recognized U.S. Territories, as well as parties of interest to this Action).

24 4. On November 29, 2022, KCC caused 58 supplemental CAFA Notice letters to be  
25 mailed via Priority Mail from the U.S. Post Office in Memphis, Tennessee to the same parties listed

26 <sup>1</sup> All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the  
27 Settlement Agreement, dated August 1, 2022 (the “Settlement Agreement”) and/or the Preliminary  
28 Approval Order.

1 in paragraph three above. This supplemental letter contained an estimate of the number and  
2 percentage of Class Members broken down by state. This information was not available at the time  
3 of the initial CAFA mailing. A copy of this letter is presented as Exhibit C.

4 5. As of the date of this Declaration, KCC has received no response to the CAFA  
5 Notice Packet from any of the recipients identified in paragraph three above.

#### 6 **CLASS LIST**

7 6. On August 19, 2022, Defendant Nissan North America, Inc. (“NNA”) provided  
8 KCC with Vehicle Identification Number (“VIN”) information for all Class Vehicles. Pursuant to  
9 Paragraph 64 of the Settlement Agreement, using this VIN information provided by NNA, KCC  
10 utilized the services of a third-party vendor, IHS Markit, formerly known as R.L. Polk (“IHS”), to  
11 obtain mailing address data for the Settlement Class in preparation for mailing the Summary Notice  
12 of the proposed settlement. A total of 2,003,819 records were returned by IHS.

13 7. KCC identified and removed 110 records from the Class Member List. These  
14 records were removed as they were duplicative of other records on VIN, Name, and Address. A  
15 total of 2,003,709 records remained on the Class Member List.

16 8. KCC withheld 49,540 records from the Notice Mailing but maintained them in the  
17 Class Member List. Of these 49,540 records, 40,600 were withheld because the address listed was  
18 that of a Nissan facility and 8,940 records had missing or incomplete address data. This left  
19 1,954,169 records in the Class Member List to whom KCC would mail the Summary Notice of the  
20 proposed settlement.

21 9. Next, IHS caused the addresses in the Class Member List to be updated using the  
22 National Change of Address database (“NCOA”) maintained by the U.S. Postal Service (“USPS”).  
23 A total of 176,917 addresses were updated. Upon receipt of the mailing address data for the  
24 Settlement Class provided by IHS, KCC entered the updated Class Member List information into  
25 its proprietary database and prepared a data file for the Summary Notice Mailing.

#### 26 **MAILING OF THE SETTLEMENT NOTICE**

1           10. Pursuant to Paragraph 65 of the Settlement Agreement, on December 15, 2022, KCC  
2 caused the Summary Notice to be printed and mailed to the 1,482,295 names and mailing addresses  
3 in the Class List. A true and correct copy of the Summary Notice is attached hereto as Exhibit D.

4           11. Rather than sending numerous separate Summary Notices to fleet customers who  
5 purchased or leased a number of Class Vehicles, KCC sent a single consolidated Fleet Notice to  
6 each such Class Member, listing all of the VINs representing that Class Members' vehicles. On  
7 December 15, 2022, KCC caused 950 Fleet Notices to be printed and mailed to these Class  
8 Members, associated with the 471,874 VINs of their Class Vehicles and representing the 471,874  
9 remaining records in the Class List. A true and correct copy of the Fleet Notice is attached hereto  
10 as Exhibit E.

11           12. After mailing the Summary Notice and Fleet Notice to the Class Members, KCC  
12 received 50,697 Summary Notices and Fleet Notices returned by the USPS with forwarding  
13 addresses. KCC promptly caused 46,887 Summary Notices and Fleet Notices to be re-mailed to  
14 the forwarding addresses supplied by the USPS. The remaining Summary Notices and Fleet Notices  
15 were recently returned and as a result are currently in process of being re-mailed. As of the date of  
16 this Declaration, none of these forwarded notices were returned as undeliverable.

17           13. After mailing the Summary Notices and Fleet Notices to the Class Members, KCC  
18 received 78,068 Summary Notices and Fleet Notices returned by the USPS with undeliverable  
19 addresses. Through credit bureau and/or other public source databases, KCC performed address  
20 searches for these undeliverable Summary Notices and Fleet Notices and was able to find updated  
21 addresses for 7,158 Class Members. KCC promptly re-mailed Summary Notices and Fleet Notices  
22 to the found new addresses. As of the date of this Declaration, none of these re-mailed notices were  
23 returned as undeliverable.

24           14. Accordingly, as of the date of this Declaration, KCC's records indicate that  
25 1,879,449 of the 1,954,169 mailed Summary Notices and Fleet Notices were successfully mailed  
26 to Class Members in accordance with the Court's Preliminary Approval Order approving the notice

1 program.

2 **SETTLEMENT WEBSITE**

3 15. Pursuant to Paragraph 67 of the Settlement Agreement, on December 15, 2022, KCC  
4 established a website [[www.AltimaSentraVersaCVTSettlement2022.com](http://www.AltimaSentraVersaCVTSettlement2022.com)] dedicated to this  
5 proposed settlement to provide information to the Class Members and to answer frequently asked  
6 questions. The website URL was set forth in the Summary Notice, Fleet Notice, Long-Form  
7 Notice, and Claim Form. Visitors to the website can download copies of the Long-Form Notice,  
8 Claim Form, Settlement Agreement and other case-related documents. Visitors can also submit  
9 claims online and upload supporting documentation. As of January 4, 2023, the website had  
10 received 26,202 visits.

11 **TELEPHONE HOTLINE AND EMAIL ADDRESS**

12 16. KCC established and will continue to maintain, in accordance with Paragraph 67 of  
13 the Settlement Agreement, a toll-free telephone number (1-844-591-0204) and an email address  
14 ([admin@AltimaSentraVersaCVTSettlement2022.com](mailto:admin@AltimaSentraVersaCVTSettlement2022.com)) for potential Class Members to contact the  
15 Settlement Administrator to obtain information about the Settlement, and/or request a Long Form  
16 Notice and Claim Form. The telephone hotline became operational on December 15, 2022, and is  
17 accessible 24 hours a day, 7 days a week. As of January 4, 2023, KCC has received a total of  
18 10,518 calls to the telephone hotline. As of January 4, 2023, KCC has also received a total of 141  
19 emails to the email address.

20 **CLAIM FORMS**

21 17. The postmark deadline for Class Members to submit a claim for reimbursement for  
22 a Qualifying Repair is March 15, 2023, or within thirty (30) days of the Qualifying Repair,  
23 whichever is later. To date, KCC has received 2,099 timely-filed claim forms. KCC expects

1 additional timely-filed claims forms to arrive through the duration of the claims period. KCC has  
2 not yet reviewed the claim forms and supporting information for validity.

3 **REPORT ON EXCLUSION REQUESTS RECEIVED TO DATE**

4 18. The Notice informs Class Members that any request for exclusion from the  
5 Settlement Class must be postmarked no later than February 13, 2023. As of the date of this  
6 Declaration, KCC has received 13 requests for exclusion. Of these, two (2) requests did not include  
7 a signature and one (1) request reflects a VIN that is not a Class Vehicle included in the Class List.

8 **OBJECTIONS TO THE SETTLEMENT**

9  
10 19. The receipt deadline for Class Members to object to the settlement is February 13,  
11 2023. The Notice informs Class Members to file objections with the Court and mail a copy to the  
12 Settlement Administrator. As of the date of this Declaration, KCC has received one (1) unsigned  
13 purported objection to the settlement, which KCC promptly forwarded to Co-Lead Class Counsel.

14  
15 I declare under penalty of perjury under the laws of the United States of America that the  
16 foregoing is true and correct.

17 Executed on January 10, 2023 at San Rafael, California.

18 

19 \_\_\_\_\_  
20 LANA COOPER

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that he caused a copy of the foregoing to be served upon the following counsel of record by the Court's ECF system, this DECLARATION OF LANA COOPER RE: NOTICE PROCEDURES, on the 12th day of January, 2023.

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